

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

JESUS AROCHO, a minor, by his mother	)	
MARIA AROCHO; and MARIA AROCHO,	)	
individually,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	No. 15 C 129
	)	
MOUNT SINAI HOSPITAL MEDICAL	)	Formerly Case No. 2014 L 009014
CENTER OF CHICAGO; ACCESS	)	Circuit Court of Cook County, Illinois
COMMUNITY HEALTH NETWORK;	)	
LEMUEL SHAFFER, M.D.; CHARLES	)	
LAMPLEY, M.D.; and NKECHI EZIRIM,	)	
M.D.,	)	
	)	
Defendants.	)	

**NOTICE OF REMOVAL OF A CIVIL ACTION AND  
SUBSTITUTION OF THE UNITED STATES AS DEFENDANT**

To: Dorothy Brown, Circuit Court Clerk  
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50 West Washington Street  
Chicago, Illinois 60602

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The United States of America, by its attorney, Zachary T. Fardon, United States Attorney for the Northern District of Illinois, submits this notice of removal of the above-captioned civil action from the Circuit Court of Cook County, Illinois, to the United States District Court, Northern District of Illinois, pursuant to the Federal Tort Claims Act ("FTCA"), 28 U.S.C. § 2679, and 42 U.S.C. § 233, and in support thereof states the following:

1. On August 29, 2014, plaintiffs commenced the above civil action in the Circuit Court of Cook County, Illinois, against Mount Sinai Hospital Medical Center of Chicago, Access Community Health Network, Lemuel Shaffer, M.D., Charles Lampley, M.D., and Nkechi Ezirim, M.D., alleging medical malpractice. A copy of the state court complaint is attached as Exhibit A. For purposes of this lawsuit, Access Community Health Network is a private entity that receives grant money from the Public Health Service pursuant to 42 U.S.C. § 233. *See* Exhibit B. In addition, Lemuel Shaffer, M.D., and Charles Lampley, M.D., were acting within the scope of their employment at Access Community Health Network with respect to the incidents referred to in the complaint. *Id.*

2. This notice of removal is filed in accordance with 28 U.S.C. § 2679(d)(2) and 42 U.S.C. § 233 upon certification by the designee of the Attorney General of the United States that defendant Access Community Health Network was a private entity receiving grant money from the Public Health Service and that defendants Lemuel Shaffer, M.D., and Charles Lampley, M.D., were acting within the scope of their employment at the Access Community Health Network with respect to the incidents referred to in the complaint. Exhibit B.

3. This notice of removal may be filed without bond at any time before trial. 28 U.S.C. § 2679(d)(2). Trial has not yet been had in this action.

4. Pursuant to the certification by the Attorney General's designee and the filing of this notice of removal, under 28 U.S.C. § 2679 and 42 U.S.C. § 233, this civil action is deemed an action against the United States, and the United States is substituted as the sole federal party defendant in place of defendants Access Community Health Network, Lemuel Shaffer, M.D., and Charles Lampley, M.D.

WHEREFORE, this action now pending in the Circuit Court of Cook County, Illinois, is properly removed to this court pursuant to 28 U.S.C. § 2679(d) and 42 U.S.C. § 233, and the United States is substituted as the defendant in lieu of Access Community Health Network, Lemuel Shaffer, M.D., and Charles Lampley, M.D.

Respectfully submitted,

ZACHARY T. FARDON  
United States Attorney

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